

the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Southern Leader Brand Tomatoes Packed by W. H. Sanford, Tucker Hill, Va. [cut of red ripe tomatoes]."

It was alleged in the libel that the article was adulterated in that added water had been mixed and packed therewith so as to reduce and lower its quality, and had been substituted in part for canned tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing added water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On December 10, 1929, W. H. Sanford, Tucker Hill, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17345. Adulteration and misbranding of canned tomatoes. U. S. v. 823 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24187. I. S. No. 017075. S. No. 2426.)

On October 29, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 823 cases of canned tomatoes, remaining in the original unbroken packages at Washington, D. C., alleging that the article had been shipped by E. Fallin & Bro., from Coan, Va., on or about September 21, 1929, and transported from the State of Virginia into the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Coan Brand Tomatoes Packed by E. Fallin & Bro., Coan Va. [cut of red ripe tomato]."

It was alleged in the libel that the article was adulterated in that a substance, water, had been mixed and packed therewith so as to reduce and lower its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the designation "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser when applied to a product containing water. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, to wit, tomatoes.

On November 5, 1929, Eugene Fallin, manager of E. Fallin & Bro., Coan, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17346. Adulteration of butter. U. S. v. 6 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24794. I. S. No. 023405. S. No. 3103.)

On or about April 24, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Worden Creamery Co., Worden, Mont., on or about April 15, 1930, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On April 25, 1930, the Worden Creamery, Worden, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a

decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it be made to conform with the Federal food and drugs act, under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17347. Adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24830. I. S. No. 037845. S. No. 3048.)

On or about March 20, 1930, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by A. F. Brockman, from Concordia, Mo., March 11, 1930, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat in that it contained less than 80 per cent of butterfat.

On March 21, 1930, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17348. Adulteration of butter. U. S. v. 2 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 24793. I. S. No. 023404. S. No. 3095.)

On April 19, 1930, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Park Creamery, Livingston, Mont., on or about April 7, 1930, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On April 19, 1930, L. F. Lee, Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of costs and the deposit of a certified check in sufficient amount to insure that the product be reconditioned to conform with the Federal food and drugs act, said check to be returned to claimant upon evidence of compliance with the terms of the decree.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17349. Misbranding of tankage. U. S. v. 9 Bags of Feeding Tankage. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24749. I. S. No. 028309. S. No. 3108.)

On or about May 6, 1930, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 bags of feeding tankage, remaining in the original unbroken packages at Stockton, N. J., alleging that the article had been shipped by the Independent Manufacturing Co., Philadelphia, Pa., on or about February 3, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Independent's 60% Blood Feeding Tank-